

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

LOUIS THOMAS,

Plaintiff,

v.

Civil Action No. 2:08-0016

WARDEN OF MOUNT OLIVE  
CORRECTIONAL COMPLEX and  
DAVIS BALLARD, Warden, and  
JOHN DOE #1, Officer, and  
JOHN DOE #2, Officer, and  
JOHN DOE #3, Officer, and  
JOHN DOE #4, Officer, and

Defendants.

MEMORANDUM OPINION AND ORDER

This action was previously referred to Mary E. Stanley,  
United States Magistrate Judge, who has submitted her Proposed  
Findings and Recommendation pursuant to the provisions of 28  
U.S.C. § 636(b)(1)(B).

The court has reviewed the Proposed Findings and  
Recommendation entered by the magistrate judge on April 15, 2008.  
The magistrate judge recommends dismissal of plaintiff's claims  
against all of the defendants save John Doe #4. On April 21,  
2008, plaintiff responded to the magistrate judge's Proposed  
Findings and Recommendation with a notice of sorts as follows:

I would like a time extention [sic] to see if my  
nose can be fixed by a docter [sic] or surgen [sic]  
where I am housed . . . before I respone [sic] again.

Please award me extra time to see if I can have my nose fixed.

(Not. at 1). The notice does not object to or address the grounds for dismissal proposed by the magistrate judge. Rather, it appears to relate to the allegations in another action filed by plaintiff and resolved today, 2:08-0021.<sup>1</sup>

The court concludes that the recommended disposition is correct.

Accordingly, it is ORDERED that:

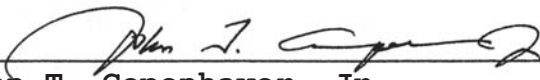
1. The Proposed Findings and Recommendation be, and it hereby is, adopted and incorporated herein; and
2. The claims alleged against all of the defendants except John Doe #4 be, and they hereby are, dismissed, with the remaining claims referred anew to the magistrate judge pursuant to the terms of the original referral order.

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<sup>1</sup>The same is true of an additional request received yesterday from plaintiff seeking additional time to object. The request does not contain a case number. The request mentions plaintiff's need to obtain medical treatment, apparently in order to support a claim of deliberate indifference to his medical needs. It appears the request should have been filed in civil action 2:08-0021, in which the magistrate judge has recommended dismissal based upon plaintiff's failure to demonstrate a serious medical need.

The Clerk is directed to forward copies of this written opinion and order to the pro se plaintiff, all counsel of record, and the United States Magistrate Judge.

DATED: July 30, 2008

  
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John T. Copenhaver, Jr.  
United States District Judge